

# FEDERAL REGISTER

DEPARTMENT OF HOMELAND SECURITY  
BUREAU OF CUSTOMS AND BORDER PROTECTION  
DEPARTMENT OF THE TREASURY

19 CFR PART 12  
CBP DEC. 06-26 RIN 1505-AB74

## EXTENSION OF IMPORT RESTRICTIONS IMPOSED ON ARCHAEOLOGICAL AND ETHNOLOGICAL MATERIAL FROM BOLIVIA

**AGENCIES:** Customs and Border Protection; Department of Homeland Security; Department of the Treasury.

**ACTION:** Final rule.

**SUMMARY:** This document amends Title 19 of the Code of Federal Regulations (19 CFR) to reflect the extension of the import restrictions on certain archaeological and ethnological material from Bolivia that were imposed by Treasury Decision (T.D.) 01-86. The Assistant Secretary for Educational and Cultural Affairs, United States Department of State, has determined that conditions continue to warrant the imposition of import restrictions. Accordingly, the restrictions will remain in effect for an additional 5 years, and Title 19 of the CFR is being amended to reflect this extension until December 4, 2011. These restrictions are being extended pursuant to determinations of the United States Department of State made under the terms of the Convention on Cultural Property Implementation Act in accordance with the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. T.D. 01-86 contains the Designated List of archaeological and ethnological material from Bolivia.

**DATES:** Effective Date: December 4, 2006.

**FOR FURTHER INFORMATION CONTACT:** For legal aspects, George F. McCray, Esq., Chief, Intellectual Property Rights and Restricted Merchandise Branch, (202) 572-8710. For operational aspects, Michael Craig, Chief, Other Government Agencies Branch, (202) 344-1684.

### **SUPPLEMENTARY INFORMATION: Background**

Pursuant to the provisions of the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention, codified into U.S. law as the Convention on Cultural Property Implementation Act (Pub. L. 97-446, 19 U.S.C. 2601 et seq.), the United States entered

into a bilateral agreement with Bolivia on December 4, 2001, concerning the imposition of import restrictions on certain archaeological and ethnological material from Bolivia. The archaeological material subject to the bilateral agreement represent the pre-Columbian cultures of Bolivia and range in date from approximately 10,000 B.C. to A.D. 1532. The ethnological materials subject to the bilateral agreement are from the Colonial and Republican periods and range in date from A.D. 1533 to 1900. On December 7, 2001, the United States Customs Service published T.D. 01-86 in the Federal Register (66 FR 63490), which amended 19 CFR 12.104g(a) to reflect the imposition of these restrictions and included a list designating the types of articles covered by the restrictions.

Import restrictions listed in 19 CFR 12.104g(a) are "effective for no more than five years beginning on the date on which the agreement enters into force with respect to the United States. This period can be extended for additional periods not to exceed five years if it is determined that the factors which justified the initial agreement still pertain and no cause for suspension of the agreement exists" (19 CFR 12.104g(a)).

After reviewing the findings and recommendations of the Cultural Property Advisory Committee, the Assistant Secretary for Educational and Cultural Affairs, United States Department of State, concluding that the cultural heritage of Bolivia continues to be in jeopardy from pillage of certain archaeological and ethnological materials, made the necessary determination to extend the import restrictions for an additional five years on October 17, 2006. Accordingly, CBP is amending

19 CFR 12.104g(a) to reflect the extension of the import restrictions. The Designated List of Archaeological and Ethnological Material from Bolivia covered by these import restrictions is set forth in T.D. 01-86. The Designated List and accompanying image database may also be found at the following Internet Web site address:  
<http://exchanges.state.gov/culprop/blfact.html>.

The restrictions on the importation of these archaeological and ethnological materials from Bolivia are to continue in effect for an additional 5 years. Importation of such material continues to be restricted unless the conditions set forth in 19 U.S.C. 2606 and 19 CFR 12.104c are met.

#### **Inapplicability of Notice and Delayed Effective Date**

This amendment involves a foreign affairs function of the United States and is, therefore, being made without notice or public procedure (5 U.S.C. 553(a)(1)). In addition, CBP has determined that such notice or public procedure would be impracticable and contrary to the public interest because the action being taken is essential to avoid interruption of the application of the existing import restrictions (5 U.S.C. 553(b)(B)). For the same reasons, pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required.

#### **Regulatory Flexibility Act**

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) do not apply.

#### **Executive Order 12866**

Because this rule involves a foreign affairs function of the United States, it is not subject to Executive Order 12866.

#### **Signing Authority**

This regulation is being issued in accordance with 19 CFR 0.1(a)(1).

#### **List of Subjects in 19 CFR Part 12**

Cultural property, Customs duties and inspection, Imports, Prohibited merchandise.

#### **Amendment to CBP Regulations**

For the reasons set forth above, part 12 of Title 19 of the Code of Federal Regulations (19 CFR part 12), is amended as set forth below:

#### **PART 12--SPECIAL CLASSES OF MERCHANDISE**

1. The general authority citation for part 12 and the specific authority citation for Sec. 12.104g continue to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)), 1624; Sections 12.104 through 12.104i also issued under 19 U.S.C. 2612;

2. In Sec. 12.104g(a), the table of the list of agreements imposing import restrictions on described articles of cultural property of State Parties is amended in the entry for Bolivia by removing the reference to "T.D. 01-86" in the column headed "Decision No." and adding in its place the language "T.D. 01-86 extended by CBP Dec. 06-26".

*Deborah J. Spero,*  
Acting Commissioner, Bureau of Customs and Border Protection.  
Approved: November 27, 2006.

*Timothy E. Skud,*  
Deputy Assistant Secretary of the Treasury.  
FR Doc. E6-20306 Filed 11-30-06; 8:45 am